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REMARKS

The Office action dated February 28, 2006 and the cited references have been carefully considered.

Status of the Claims

Claims 1-47 are pending. Claims 1-12, 25, 27, 28, and 31-47 are withdrawn pursuant to an earlier election in response to restriction requirement. Therefore, claims 13-24, 26, 29, and 30 remain in the current prosecution.

Claims 13-24, 26, 29, and 30 are rejected under 35 U.S.C. § 102(e) as being anticipated by Ichinohe (U.S. patent 6,878,792). Claims 13-24, 26, 29, and 30 are rejected under 35 U.S.C § 102(b) as being anticipated by Sheet Jr. et al. (U.S. Patent 6,187,042; hereinafter "Sheet"). Claims 13-24, 26, 29, and 30 are rejected under 35 U.S.C § 103(a) as being unpatentable over Ichinohe in view of Sheet. The Applicants respectfully traverse these rejections for the reasons set forth below.

Claim Rejection Under 35 U.S.C. § 102

Claims 13-24, 26, 29, and 30 are rejected under 35 U.S.C. § 102(e) as being anticipated by Ichinohe. The Applicants respectfully traverse this rejection because Ichinohe does not disclose each and every element of each of claims 13-24, 26, 29, and 30.

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a *single* prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987) (emphasis added). "Every element of the claimed invention must be *literally* present, arranged as in the claim. . . . The identical invention must be shown in as complete detail as is contained in the . . . claim." *Richardson v. Suzuki Motor Co.*, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989) (emphasis added).

Ichinohe discloses a colored silicone material that is obtained by chemical bonding of a dye material (having formula I or II) to a silicone polymer before the combined material is

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formed into a shaped object. Column 4, lines 20-23. It is not taught or suggested that this silicone polymer is actually a shaped medical device, and it is certainly not inherent that any mention of a silicone polymer is a mention of an already shaped medical device. Furthermore, details not disclosed in the reference, unless they are inherent, must not be read into it. And nowhere else does Ichinohe disclose or suggest that the dye material is bonded to a shaped medical device. Instead, the only disclosure of a production of a colored polymeric film (not even a medical device) is found in Example 3 and Comparative Example 1. There, Ichinohe discloses that a colored prepolymer was first made by reacting the dye with a first polymer. Then, this colored prepolymer was mixed and polymerized with a second polymer to finally form a film between two glass plates. Thus, Ichinohe does not disclose that a shaped medical device is simply exposed to the dye and a catalyst to form a medical device with blue light absorbing properties, as is recited in claims 13-13-24, 26, 29, and 30. The Examiner even admits that Ichinohe does not apply the dye to the device. See Office action, page 4, first sentence.

Therefore, Ichinohe does not disclose each and every element of each of claims 13-24, 26, 29, and 30. Consequently, Ichinohe does not anticipate these claims.

Claims 13-24, 26, 29, and 30 are rejected under 35 U.S.C § 102(b) as being anticipated by Sheet. The Applicants respectfully traverse this rejection because Sheet does not disclose each and every element of each of claims 13-24, 26, 29, and 30.

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a *single* prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987) (emphasis added). "Every element of the claimed invention must be *literally* present, arranged as in the claim. . . . The identical invention must be shown in as complete detail as is contained in the . . . claim." *Richardson v. Suzuki Motor Co.*, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989) (emphasis added).

Sheet discloses forming a coating on an IOL, which coating comprises at least two aryl acrylic hydrophobic monomers to prevent posterior capsule opacification. See; e.g., abstract and column 2, lines 20-22 and line 41 to column 3, line 3. These aryl acrylic hydrophobic monomers are not blue-light absorbers. When a dye is optionally included, it is polymerized first with said at least two aryl acrylic hydrophobic monomers and the combined

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material is applied to the IOL. See column 6, lines 4-14. Alternatively, a cross-linking agent is used to attach this combined material to the IOL. See column 6, lines 28-34. Thus, Sheet does not disclose explicitly or inherently that reactive groups of the dye material are reacted with the reactive groups of the medical device, as is recited in claims 13-24, 26, 29, and 30.

Since Sheet does not disclose each and every element of each of claims 13-24, 26, 29, and 30, Sheet does not anticipate these claims.

Claim Rejection Under 35 U.S.C. § 103(a)

Claims 13-24, 26, 29, and 30 are rejected under 35 U.S.C § 103(a) as being unpatentable over Ichinohe in view of Sheet. The Applicants respectfully traverse this rejection because a combination of Ichinohe and Sheet does not teach or suggest reacting the reactive dye directly with reactive groups of the medical device after the medical device has been shaped.

To support the conclusion of obviousness, the references must expressly or impliedly suggest the claimed combination. *Ex parte Clapp*, 227 U.S.P.Q. 972, 973 (B.P.A.I. 1985).


As pointed out above, neither Ichinohe nor Sheet teach or suggest directly reacting the dye with reactive groups of the already shaped medical device. Therefore, a combination of Ichinohe and Sheet does not teach or suggest directly reacting the dye with reactive groups of the already shaped medical device, as is recited in claims 13-24, 26, 29, and 30.

Since the combination of Ichinohe and Sheet does not teach or suggest teach or suggest directly reacting the dye with reactive groups of the already shaped medical device, claims 13-24, 26, 29, and 30 are not rendered obvious by Ichinohe in view of Sheet.

In view of the above, it is submitted that the claims are patentable and in condition for allowance. Reconsideration of the rejection is requested. Allowance of the claims at an early date is solicited.

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Respectfully submitted,



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